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EXAMINER	
RIVERO, ALEJANDRO	
ART UNIT	**PAPER NUMBER**
2618	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/573,005	WALLINGTON ET AL.	
	Examiner	Art Unit	
	ALEJANDRO RIVERO	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 February 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6,8,9 and 11-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6,8,9 and 11-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *05 February 2008* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Amendment

Drawings

1. The replacement drawings received on 2/5/2008 are accepted by the examiner. The objection to the drawings from the previous Office Action is withdrawn.

Specification

2. The replacement abstract received on 2/5/2008 is accepted by the examiner. The objection to the abstract from the previous Office Action is withdrawn.

3. The replacement title received on 2/5/2008 is accepted by the examiner. The objection to the title from the previous Office Action is withdrawn.

4. The corrections to the specification received on 2/5/2008 are accepted by the examiner. The objection to the specification from the previous Office Action is withdrawn.

Claim Rejections - 35 USC § 112

5. The amendments made to claims 1, 2 and 11 to overcome rejection under second paragraph of 35 U.S.C. 112, received on 2/5/2008, are accepted by the examiner. Claim 7 has been cancelled by applicant. The rejections under second paragraph of 35 U.S.C. 112 from the previous Office Action are withdrawn.

Response to Arguments

6. Applicants' arguments filed 2/5/2008 have been fully considered but they are not persuasive.

Applicants state that claims 1 and 11 have been amended to incorporate claims 5 and 7 (claims 5 and 7 are now canceled). Only the "scaling" feature from claims 5

and 7, and the "different radio resource management decisions" from claim 7 appear to have been added to claims 1 and 11. Applicants have additionally amended claims 1 and 11 to denote "a plurality" of different duration power requirements. Applicants state that the amendments were made in order to reflect "that different filters are used to filter the downlink information to provide different duration power requirements which is then used for different resource management decisions for power sharing between sectors". However, claims 1 and 11 do not recite "different filters". Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

With respect to the added limitations "a plurality" of different duration power requirements and "different radio resource management decisions", the art of record teaches plural requests for power and making different decisions (see column 2 line 15-column 5 line 61 of Dajer, where Dajer et al. disclose obtaining I and Q components and calculating average forward link (downlink) power and making decisions in response to requests for more forward link power (in the case that a new call is accepted: the loading information changes and the power requirements will be different for the duration of the new call (hence different duration power requirements for a plurality of requests)) without overloading the base station, and Dajer et al. also disclose accepting/denying requests for more power (hence different radio resource management decisions)). Therefore these added limitations do not overcome the prior art of record. Further, the "scaling" feature from claims 5 and 7 was determined by the examiner to be anticipated by the combination (under 35 U.S.C. 103(a)) of Dajer, Arntz

and Liew as applied to claims 5 and 7 in the previous Office Action. Therefore a corresponding rejection under 35 U.S.C. 103(a) has been applied below to claims 1 and 11 using the references Dajer, Arntz and Liew as in the previous Office Action.

Applicants state "different time dependent operation and scalings can be used to increase sector capacity by accounting for short or long term power variations depending upon different resource requirements (e.g. scheduling, handover, admissions) of the sector". However, the claims do not recite "time dependent operation and scalings", "accounting for short or long term power variations", "scheduling, handover, admissions". Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicants argue that the Dajer et al. reference does not disclose considering "a duration of time that a new call might be over the threshold". However, claims 1 and 11 do not recite "a duration of time that a new call might be over the threshold", but merely recite "determine a plurality different duration power requirements" (as amended 2/5/2008). The language "different duration power requirements" used in claims 1 and 11 is broad since it reads on power requirements used during different duration periods such as in column 2 line 15- column 5 line 61 of Dajer et al., where Dajer et al. disclose obtaining I and Q components and calculating average forward link power and making decisions in response to requests for more forward link power. Dajer et al. further disclose that, in the case that a new call is accepted, the loading information changes and the power requirements will be different for the duration of the new call. Therefore

the power requirements are used for the duration period of the call, which reads on "different duration power requirements".

Applicants argue that the averaging of Dajer et al. does not correspond to applicants' filtering of claims 1 and 11 because applicants' filtering "uses a timing filter to obtain specific different modifications of power measurements, i.e. short, medium, and long term averages or variances". Applicants also argue that Dajer et al. do not "apply multiple different filters". However, claims 1 and 11 do not recite "a timing filter", obtaining "specific different modifications of power measurements", "short, medium, and long term averages or variances" or applying "multiple different filters". Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore the averaging of Dajer et al. reads on applicants' broad recitation of "filtering" (see column 2 line 15- column 5 line 61 where Dajer et al. disclose obtaining I and Q components and calculating average forward link power, hence filtering).

Applicants argue that examiner stated in the previous Office Action that "Dajer's same use of averaging also corresponds to applicants' modifying (scaling) step". However, in the previous Office Action, the examiner did not state that "Dajer's same use of averaging also corresponds to applicants' modifying (scaling) step". Rather, the examiner stated that Dajer et al. anticipates "modifying the received downlink power information for each sector of the cell in response to the different duration power requirements (column 3 line 15- column 4 line 3 where Dajer et al. disclose obtaining I

and Q components and calculating average forward link (downlink) power and making a decision in response to a request for more forward link power without overloading the base station)". Thus, the examiner stated in the previous Office Action that the averaging of Dajer et al. anticipates applicants' "modifying", since averaging results in a modification, as broadly claimed by applicants. Therefore the averaging of Dajer et al. reads on applicants' "filtering" and "modifying". However, the averaging of Dajer et al. was not stated by the examiner (in the previous Office Action) to correspond to applicants' "scaling". In fact, page 15 (first complete paragraph) of the previous Office Action reads "Dajer et al. in view of Arntz do not disclose a scaling modification". Applicants' "scaling" feature was found by the examiner to be anticipated by the combination of Dajer et al. in view of Arntz and Liew (where Liew provided the "scaling" feature in column 1 line 48- column 2 line 40, column 3 line 7- column 4 line 27) as applied to claims 5-7 in the previous Office Action. The combination of Dajer et al. , Arntz and Liew is supported by the motivation to increase network capacity, prevent overload and balance load (as suggested by Liew in column 1 line 48- column 2 line 7, column 5 lines 47-57) as stated in pages 15-17 o the previous Office Action with regards to claims 5-7. Applicants have canceled claims 5 and 7 and amended claims 1 and 11 to include the "scaling" feature. Since the "scaling" feature was found to be anticipated by the combination of Dajer et al., Arntz and Liew as applied to claims 5-7 in the previous Office Action, a corresponding rejection under 35 U.S.C. 103(a) using the same references has been applied below to claims 1 and 11.

Applicants argue that Dajer et al. is missing the elements "a) multiple filters of different durations, b) different filters for different requirements, c) scaling, d) making a decision on both filtering and scaling information, e) making different decisions upon different filtering and scaling information, and f) sharing amplifier power between sectors". Elements "a" and "b" are not recited in claims 1 and 11. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Element "c" has been addressed above with the combination of Dajer et al., Arntz and Liew. Elements "d" and "e" have already been addressed above as having been anticipated and element "f" has been shown to be anticipated in the previous Office Action by the combination of Dajer et al. and Arntz (see pages 8-10 and 12-14 of the previous Office Action). Applicants' arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicants argue that Arntz is missing the elements "a) multiple filters of different durations, b) different filters for different requirements, c) scaling, d) making a decision on both filtering and scaling information and e) making different decisions upon different

filtering and scaling information". Elements "a" and "b" are not recited in claims 1 and 11. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Element "c" has been addressed above with the combination of Dajer et al., Arntz and Liew. Elements "d" and "e" have already been addressed above as having been anticipated. Applicants' arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

With respect to claims 2-4, 8-9 and 13, they stand rejected because they depend from rejected claims 1 and 11 and for the reasons below (see rejection under 35 U.S.C. 103(a)).

Applicants argue that Liew is missing the elements "a) multiple filters of different durations, b) different filters for different requirements, c) scaling, d) making a decision on both filtering and scaling information, e) making different decisions upon different filtering and scaling information, and f) sharing amplifier power between sectors". Elements "a" and "b" are not recited in claims 1 and 11. Although the claims are interpreted in light of the specification, limitations from the specification are not read into

the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Element "c" has been addressed above with the combination of Dajer et al., Arntz and Liew. Elements "d" and "e" have already been addressed above as having been anticipated and element "f" has been shown to be anticipated in the previous Office Action by the combination of Dajer et al. and Arntz (see pages 8-10 and 12-14 of the previous Office Action). Applicants' arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

With respect to claim 6, the claim stands rejected because it depends from rejected claim 1 and for the reasons below (see rejection under 35 U.S.C. 103(a)).

With respect to claim 12, the claim stands rejected because it depends from rejected claim 11 and for the reasons below (see rejection under 35 U.S.C. 103(a)).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-4, 6, 8-9, 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dajer et al. (US 6,094,585) in view of Arntz (US 5,751,250) and Liew (US 6,415,153 B1).

Consider claim 1, Dajer et al. disclose a method of managing downlink radio resources for the pooling of multiple amplifier resources between sectors of a cell, the method comprising the steps: receiving downlink power information for each sector of the cell (column 2 line 15- column 5 line 61); filtering the downlink power information to determine a plurality of different duration power requirements for different radio resource management decisions for a sector (column 2 line 15- column 5 line 61 where Dajer et al. disclose obtaining I and Q components and calculating average forward link (downlink) power and making decisions in response to requests for more forward link power (in the case that a new call is accepted: the loading information changes and the power requirements will be different for the duration of the new call (hence different duration power requirements for a plurality of requests)) without overloading the base station, and Dajer et al. also disclose accepting/denying requests for more power

(hence different radio resource management decisions)); modifying the received downlink power information for each sector of the cell in response to the different duration power requirements for different radio resource management decisions (column 3 line 15- column 4 line 3 where Dajer et al. disclose obtaining I and Q components and calculating average forward link (downlink) power and making decisions in response to requests (hence different resource management decisions) for more forward link power without overloading the base station), and making different downlink radio resource management decisions on the basis of the different duration power requirements and modified downlink power information (column 2 line 15- column 5 line 61 where Dajer et al. disclose obtaining I and Q components and calculating average forward link (downlink) power and making decisions to accept/deny (hence different decisions) requests for more forward link power without overloading the base station).

Dajer et al. do not specify where power is allocated such that a more heavily loaded sector will be allocated more power than a less heavily loaded sector or will be allocated additional power shared from other sector's amplifiers than would be available from that single sector's amplifier. Dajer et al. do not disclose scaling, making a downlink radio resource management decision on the basis of the scaled modified downlink power information.

Arntz discloses a low distortion power sharing amplifier network where power is allocated such that a more heavily loaded sector will be allocated more power than a less heavily loaded sector and will be allocated additional power shared from other

sector's amplifiers than would be available from that single sector's amplifier (column 1 line 54- column 2 line 16, column 2 line 52- column 3 line 2 column 3 line 54- column 4 line 6).

Liew discloses a scaling modification resulting in scaled modified downlink power information and making a downlink radio resource management decision on the basis of the scaled modified downlink power information (column 1 line 48- column 2 line 40, column 3 line 7- column 4 line 27 where Liew discloses an overload controller which compares a load measurement against a threshold and updates a scaling coefficient based on the last value of the scaling coefficient).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to allocate power such that a more heavily loaded sector will be allocated more power than a less heavily loaded sector and allocating additional power shared from other sector's amplifiers than would be available from that single sector's amplifier as taught by Arntz in the method of Dajer et al. and to perform a scaling modification resulting in scaled modified downlink power information and making a downlink radio resource management decision on the basis of the scaled modified downlink power information as taught by Liew in the method of Dajer et al. in order to efficiently utilize RF power and improve the number of subscribers that can use the system, decrease base station hardware, prevent amplifier saturation and improve blocking efficiency and for the purpose of increasing network capacity, preventing overload and balancing load (as suggested by Arntz in column 1 line 54- column 2 line 16, column 2 line 52- column 3 line 2 column 3 line 54- column 4 line 6, column 8 lines

34-46 and as suggested by Liew in column 1 line 48- column 2 line 7, column 5 lines 47-57).

Consider claim 2, Dajer et al. in view of Arntz and Liew disclose all the limitations as applied to claim 1 above and also disclose a step of determining available downlink power and using the available downlink power information in a step of determining a downlink power allocation (column 4 line 66- column 5 line 39 of Dajer et al.).

Consider claim 3, Dajer et al. in view of Arntz and Liew disclose all the limitations as applied to claim 2 above and also disclose wherein available downlink power is determined using information relating to overload control alarms (column 5 lines 50-61, figure 5B of Dajer et al., where Dajer et al. disclose that an overload control apparatus (alarm) rejects/blocks new request for power prior to reaching a clipping state, hence aware of available power).

Consider claim 4, Dajer et al. in view of Arntz and Liew disclose all the limitations as applied to claim 2 above and also disclose wherein the determination of a downlink power allocation depends on a comparison of the downlink power information and the available downlink power information (column 2 line 15- column 5 line 61 of Dajer et al., where Dajer et al. disclose rejects/blocks new request for power or allocating additional power based on downlink power information and availability of downlink power with respect to an overload threshold).

Consider claim 8, Dajer et al. in view of Arntz and Liew disclose all the limitations as applied to claim 1 above and also disclose wherein the filtering of the downlink power information includes averaging the power information over different lengths of times

(column 2 line 15- column 5 line 61 of Dajer et al., where Dajer et al. disclose averaging forward link (downlink) power, wherein the averaging is performed for a frame interval (a length of time) and reported to a system controller to make a decision regarding a request to add new calls and Dajer et al. also disclose wherein the averaging is performed for a frame interval (another length of time) and reported to a system controller to make a decision regarding a request to process a handoff, and Dajer et al. also disclose wherein the averaging is performed for a frame interval (yet another length of time) and reported to a system controller to make a decision regarding increasing power to existing users, hence averaging is performed over different lengths of times).

Consider claim 9, Dajer et al. in view of Arntz and Liew disclose all the limitations as applied to claim 8 above and also disclose wherein the averaging is performed over different lengths of time for different radio resource management decisions (column 2 line 15- column 5 line 61 of Dajer et al., where Dajer et al. disclose averaging forward link (downlink) power, wherein the averaging is performed for a frame interval (a length of time) and reported to a system controller to make a decision regarding a request to add new calls (radio resource management decision) and Dajer et al. also disclose wherein the averaging is performed for a frame interval (another length of time) and reported to a system controller to make a decision regarding a request to process a handoff (another radio resource management decision), and Dajer et al. also disclose wherein the averaging is performed for a frame interval (yet another length of time) and reported to a system controller to make a decision regarding increasing power to existing users (yet another radio resource management decision), hence averaging is

performed over different lengths of times for different radio resource management decisions).

Consider claim 11, Dajer et al. disclose an apparatus for managing downlink radio resources for the pooling of multiple amplifier resources between sectors of a cell, comprising: means for filtering received downlink power information to determine a plurality of different duration power requirements for different radio resource management decisions for a sector (column 2 line 15- column 5 line 61 where Dajer et al. disclose obtaining I and Q components and calculating average forward link (downlink) power and making decisions in response to requests for more forward link power (in the case that a new call is accepted: the loading information changes and the power requirements will be different for the duration of the new call (hence different duration power requirements for a plurality of requests)) without overloading the base station, and Dajer et al. also disclose accepting/denying requests for more power (hence different radio resource management decisions)); means for modifying received downlink power information for each sector of the cell in response to the different duration power requirements for different radio resource management decisions (column 3 line 15- column 4 line 3 where Dajer et al. disclose obtaining I and Q components and calculating average forward link (downlink) power and making decisions in response to requests (hence different resource management decisions) for more forward link power without overloading the base station), and means for making different downlink radio resource management decisions on the basis of the different duration power requirements and modified downlink power information (column 2 line

15- column 5 line 61 where Dajer et al. disclose obtaining I and Q components and calculating average forward link (downlink) power and making decisions to accept/deny (hence different decisions) requests for more forward link power without overloading the base station).

Dajer et al. do not specify where power is allocated such that a more heavily loaded sector will be allocated more power than a less heavily loaded sector will be allocated additional power shared from other sector's amplifiers than would be available from that single sector's amplifier. Dajer et al. do not disclose means for scaling, means for making a downlink radio resource management decision on the basis of the scaled modified downlink power information.

Arntz discloses a low distortion power sharing amplifier network where power is allocated such that a more heavily loaded sector will be allocated more power than a less heavily loaded sector and will be allocated additional power shared from other sector's amplifiers than would be available from that single sector's amplifier (column 1 line 54- column 2 line 16, column 2 line 52- column 3 line 2 column 3 line 54- column 4 line 6).

Liew discloses a scaling modification resulting in scaled modified downlink power information and making a downlink radio resource management decision on the basis of the scaled modified downlink power information (column 1 line 48- column 2 line 40, column 3 line 7- column 4 line 27 where Liew discloses an overload controller which compares a load measurement against a threshold and updates a scaling coefficient based on the last value of the scaling coefficient).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to allocate power such that a more heavily loaded sector will be allocated more power than a less heavily loaded sector and allocating additional power shared from other sector's amplifiers than would be available from that single sector's amplifier as taught by Arntz in the method of Dajer et al. and to perform a scaling modification resulting in scaled modified downlink power information and making a downlink radio resource management decision on the basis of the scaled modified downlink power information as taught by Liew in the method of Dajer et al. in order to efficiently utilize RF power and improve the number of subscribers that can use the system, decrease base station hardware, prevent amplifier saturation and improve blocking efficiency and for the purpose of increasing network capacity, preventing overload and balancing load (as suggested by Arntz in column 1 line 54- column 2 line 16, column 2 line 52- column 3 line 2 column 3 line 54- column 4 line 6, column 8 lines 34-46 and as suggested by Liew in column 1 line 48- column 2 line 7, column 5 lines 47-57).

Consider claim 13, Dajer et al. in view of Arntz and Liew disclose all the limitations as applied to claim 11 above and also disclose wherein the means for making a downlink radio resource management decision on the basis of the modified downlink power information is a radio resource management module (column 4 line 4- column 5 line 61 of Dajer et al., where Dajer et al. disclose a system controller for determining sector loads and making decisions to allocate sector power (radio resource), hence radio resource management module).

Consider claim 6, Dajer et al. in view of Arntz and Liew disclose all the limitations as applied to claim 1 above and also disclose wherein the step of filtering of the downlink power information is performed for at least one cell in a multi-cell base site (column 1 lines 28-45, column 2 line 15- column 5 line 61 of Dajer et al., where Dajer et al. disclose filtering, obtaining I and Q components and calculating average forward link (downlink) power and making a decision in response to a request for more forward link power without overloading the base station of a cell of a communication system divided into coverage cells and column 1 line 48- column 2 line 40, column 3 line 7- column 4 line 27 of Liew as applied to claim 1 above, where Liew discloses an overload controller which compares a load measurement against a threshold and updates a scaling coefficient based on the last value of the scaling coefficient).

8. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dajer et al. in view of Arntz and Liew and further in view of Agahi-Kesheh et al (US 6,466,768 B1).

Consider claim 12, Dajer et al. in view of Arntz and Liew disclose all the limitations as applied to claim 11 above and also disclose wherein the means for modifying received downlink power information is a filter (column 3 line 15- column 4 line 3 of Dajer et al., where Dajer et al. disclose filtering, obtaining I and Q components and calculating average forward link (downlink) power and making a decision in response to a request for more forward link power without overloading the base station and column 1 line 48- column 2 line 40, column 3 line 7- column 4 line 27 of Liew as

applied to claim 11 above, where Liew discloses an overload controller for calculating a scaling coefficient).

Dajer et al. in view of Arntz and Liew do not specify multi-bandwidth filter.

Agahi-Kesheh et al. disclose a multi-band filter (column 1 lines 1-21, column 3 lines 8-13, column 5 lines 18-43 where Agahi-Kesheh et al. disclose using a multi-band filter system in a wireless communication receiver for handling different communication standards).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use a multi-band filter as taught by Agahi-Kesheh et al. in the method of Dajer et al. as modified by Arntz and Liew for the purpose of enhancing the method by allowing handling of different communication standards applied over different frequencies (as suggested by Agahi-Kesheh et al. in column 1 lines 7-21, column 3 lines 8-13).

Conclusion

13. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date

of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALEJANDRO RIVERO whose telephone number is (571)272-2839. The examiner can normally be reached on Monday-Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. R./
Examiner, Art Unit 2618

/Nay A. Maung/
Supervisory Patent Examiner, Art Unit 2618